

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

vs.

BUFFALO COUNTY, Political Subdivision, in
thier official capacity; CITY OF KEARNEY,
Political Entity in Buffalo County, in their
official capacity; SHAWN EATHERTON, in
their individual and official capacity; KARI
FISK, in their individual and official capacity;
BRANDON BRUEGGEMANN, Deputy sheriff
for Buffalo County, NE; R. ANTHONY
CORDOVA, Police Detective for the city of
Kearney, NE; and RYAN CARSON, District
Judge, Buffalo County, NE;

Defendants.

8:24CV243

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing 1](#), on June 21, 2024. However, Plaintiff failed to include the \$405.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis ("IFP").¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

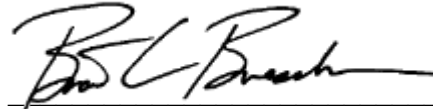
¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See 28 U.S.C. § 1915(b)(1); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$55.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b).

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: August 10, 2024: Check for MIFP or payment.

Dated this 11th day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge